REMARKS

Claims 1-10 remain pending in this application with claims 1 and 6 being amended. Claims 1 and 6 have been amended to clarify features of the present invention. Specifically, these claims have been amended to show "said consistency check being triggered when the application detects that the service selected by a user in a customized list is not available." Support for these amendments can be found throughout the specification and more specifically on page 7, lines 5 – 7 and page 9, lines 8 – 9. Therefore, Applicants respectfully submit that no new matter is added by the amended claims.

Rejection of Claims 1 and 4 – 7 under 35 U.S.C. 103(a)

Claims 1 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al (US6,177,931) in view of Cuccia (US 6,337,719).

Amended claim 1 provides a method for managing broadcast service lists in a television receiver. An update of a list of at least one service available to the receiver is received. At least one customized list of services is stored. A check of the consistency between the customized list and the list of available services is triggered by an application so as not to disrupt receiver use. The consistency check verifies the presence of the service contained in the stored customized list with the services list. The consistency check is also triggered when the application detects that the service selected by a user in one of the stored customized lists is not available.

Claim 1 provides triggering a consistency check as part of the method of managing the consistency between a received list of available services (the Master Program Guide) and a stored customized service list. The consistency check is triggered "when the application detects that the service selected by a user in a customized list is not available" and also at a time "chosen by an application in said receiver as not to disrupt receiver use by said check" as recited in claim 1. Neither Alexander nor Cuccia discloses or suggests "triggering said consistency check when the application detects that the service selected by a user in a customized list is not available" as recited in claim 1.

Alexander describes a television receiver, and more particularly, the reception and displaying of, and a recording control interface with, television programs, video, advertising information, and program scheduling information (Alexander col. 1 lines 37 – 40). Alexander further describes a high performance Electronic Programming Guide, with several special features. In Alexander, the television set receives broadcast service information and stores it in a memory. The EPG uses the stored data for presenting the different channels and programs to the user.

Unlike the present system, the ability of the user to create and store customized lists contemplated in Alexander is limited to specific lists for scheduled automatic recording and for scheduled watching, and the stored lists are managed by <u>automatic</u> updating. The only customized lists described in Alexander are the Automatic Record List and the Watch List. The viewer can program the recording of a referenced program through a recording control interface that allows creating an Automatic Record List, or program the television to turn on or change channels through an interface that allows creating a Watch List (Alexander col. 9 line 65 – col. 10 line 12 and col. 11 line 63 – col. 12 line 9). Alexander does not contemplate management of customized lists in general. Specifically, Alexander is completely silent about a case in which a service is "selected by a user in one of said stored customized lists" as recited in claim 1.

Moreover, Alexander neither discloses nor suggests "wherein said triggering step is chosen by an application in said receiver as not to disrupt receiver use by said check" or "triggering said consistency check when the application detects that the service selected by a user in one of said stored customized lists is not available" as recited in claim 1. The Office Action asserts that Alexander discloses the function of triggering a consistency check. Applicants respectfully disagree. Alexander, in the cited passage and elsewhere, describes the processes of <u>creating</u> two special-purpose customized lists: the Automatic Record List and the Watch List, through explicit user actions (Alexander col. 7 line 58 – col. 8 line 12), and further describes the process of <u>automatically</u> updating the Automatic Record List when an updated list of services is received (Alexander col. 11 line 56 – col. 12 line 9). Alexander neither discloses nor suggests performing a consistency check, or "triggering a consistency check between said at least one customized list of services and the update of the list of said at least one service available to the

receiver, wherein said triggering step is chosen by an application in said receiver" as recited in claim 1.

The Office Action further asserts that the updating of the Automatic Record List (Alexander col. 11 line 63 – col. 12 line 10) discloses the features of claim 1. However, as the Office Action concedes, Alexander "is silent as to performing an adjustment or modification of the listing as not to disrupt the receiver use" (Office Action page 3 lines 6 – 7). The Automatic Record List and the Watch List, the only customized lists described or contemplated in Alexander, are both designed for specific purposes and, because of their purpose, possess specific characteristics. Updating of those lists due to schedule changes in the scenario contemplated by Alexander must be accomplished immediately, regardless of the consumption of processor resources by the update process, to ensure that the programs on the list will be recorded correctly. Alexander is thus completely silent regarding one problem that the present invention addresses: that of too many processor resources being consumed by the automatic, immediate updating of customized lists. Alexander neither discloses nor suggests "wherein said triggering step is chosen by an application in said receiver as not to disrupt receiver use by said check" as recited in claim 1. Alexander discloses only the <u>automatic</u> update of the Automatic Record List <u>immediately</u> upon receipt of data from the broadcast network. Unlike the present system, list updating in Alexander is not triggered by a consistency check either by an application or by the user. It occurs merely as a result of the reception of an update from the service list provider. As soon as the new data is received from the broadcast network, the update of Automatic Record List data is carried out (Alexander col. 12 lines 2 – 9). In addition, Alexander neither discloses nor suggests the operation of "verifying the presence of a service contained in the stored customized list with the received updated list" as claim 1 recites.

Alexander also neither discloses nor suggests triggering a consistency check "when the application detects that the service selected by a user in at least one of the stored customized lists is not available" as recited in claim 1. Beyond the cited example of <u>automatically</u> updating the Automatic Record List, Alexander is completely silent about modifying of the customized lists. The example in Alexander describes a sports event that runs longer than the originally scheduled time (Alexander col. 12 lines 2 – 9). In that example, the list must be updated immediately; or else the broadcast program selected by the user might not be correctly recorded. It is necessary

that the modified duration of the sports event be immediately taken into account. Therefore, analysis of the broadcast data and updating of the recorded list must be immediate.

The solution in Alexander is considered and rejected in the present application because it incurs a major disadvantage, "checking in the customised service lists whether their content is still compatible with the broadcast one as soon as this one changes . . . can be time consuming depending on the number of services and of service lists . . . [It has] as a major drawback the time consumption . . . from the CPU" (Application page 3 lines 1 to 10). This problem is not addressed by Alexander. Thus, Alexander neither discloses nor suggests "triggering a consistency check between said at least one customized list of services and the update of the list of said at least one service available to the receiver, wherein said triggering is chosen by an application so as not to disrupt receiver use by said check" and "triggering said consistency check when the application detects that the service selected by a user in one of said stored customized lists is not available" as recited in claim 1.

Cuccia describes a TV set collecting particular information associated with TV or radio programs from several sources (Cuccia Abstract). The TV set stores the information and presents it when the user launches the Electronic Program Guide. In Cuccia, a microprocessor controls the tuner for selecting transport streams that provide information. For each transport stream, the microprocessor checks whether the System Information of the transport stream comprises EPG information and, if so, incorporates it into a compound EPG that is stored in the storage means (Cuccia col. 4 lines 18 – 20).

Cuccia notes that "[t]he scanning process can be initiated by the user or started automatically, e.g. when the EPG information should be updated" (Cuccia col. 4 line 24-26). Concerning the automatic triggering of the scanning process, Cuccia states "[t]he TV-set updates the EPG information once a day, during a period in which the TV-set is in stand-by mode. A convenient time for updating the EPG information is at night. The timer 119 is adapted to measure the time interval since the last update" (Cuccia col. 4 line 24-26). Therefore, Cuccia describes the processing of EPG information that can be periodically triggered, and exceptionally can be explicitly launched by the user.

According to the teaching of Cuccia, generating a comprehensive list of services only periodically when the receiver is idle is expected to be sufficient for correct EPG data and good service to the user. Unlike the present system, Cuccia does not contemplate updating a stored customized list based on "receiving an update of a list of at least one service available to said receiver" as claim 1 recites. Cuccia describes only creating a list of services available from a plurality of different sources (Cuccia col. 1 line 66 – col. 2 line 4). Unlike the present system, Cuccia (with Alexander) does not contemplate receiving an update reflecting that a previously available service was stopped or moved, requiring "verifying the presence of a service contained in the stored customized list with the received updated list" as claim 1 recites. In fact, Cuccia does not contemplate managing of an existing stored list of EPG data at all. Instead, Cuccia describes only the process of building a composite list of EPG data synthesized from a number of transport streams. Because the process described is one of synthesis, no coherency or consistency check is contemplated or described. Thus, Cuccia (with Alexander) neither discloses nor suggests "the consistency check is triggered when the application detects that the service selected by a user in one of said stored customized lists is not available" as recited in claim 1.

Additionally, neither Alexander nor Cuccia discloses or suggests "triggering a consistency check between said at least one customized list of services and the update of the list . . . available to the receiver" as recited in claim 1 of the present invention. The only customized lists Alexander contemplates are the Automatic Record List and the Watch List, neither of which approaches in size or complexity a customized Program Guide that is supported by the present system, and neither of which suggests a need for triggering a consistency check to determine whether to perform updates. The only update operation contemplated in Alexander is the scenario in which a program such as a sports event runs past its scheduled time and subsequent programming is delayed. Alexander describes that update of the customized Record List occurs automatically when the new data is made "available to the receiver" rather than being triggered by a consistency check as in the present claimed invention (Alexander col. 12 lines 2 – 9). In contrast, Cuccia only describes the creation of a comprehensive list generated by synthesizing data from multiple sources and does not contemplate managing of any list by a "consistency check" as recited in claim 1. Particularly, Cuccia (with Alexander) fails to disclose or suggest "triggering a consistency check between said at least one customized list of services and the

update of a list of said at least one service available to the receiver" as recited in claim 1. Thus, neither Alexander nor Cuccia discloses or suggests "triggering a consistency check" that comprises "verifying the presence of a service contained in the stored customized list with the received updated list" as recited in claim 1.

There is no reason or motivation to combine the systems of Alexander and Cuccia. Alexander describes a system that receives a Master Program Guide from a provider and performs a number of operations using that data, including the creation and updating of an Automatic Record List. Cuccia describes a system that synthesizes a comprehensive guide when the receiver is idle or turned off, in a scenario in which no provider supplies a comprehensive guide to the user. Applying the teaching of Cuccia to Alexander, delaying an update and triggering it only during idle time, defeats the purpose of the update and renders it useless.

Cuccia creates a comprehensive list by aggregating information from multiple service providers, a time-consuming task, which must be performed when the system is not occupied with other tasks so as not to disrupt their operation. Cuccia does no list updating; it is designed to generate its list when the TV is not in use, or is completely turned off, or when the user explicitly requests generating a new list. Alexander, in contrast, must perform a timely update of the Automatic Record List when a program runs longer than scheduled and subsequent scheduled programs are delayed. The only customized list managing addressed in Alexander is updating that must be done immediately; otherwise an entry in the Automatic Record List may not be properly recorded. Alexander is thus concerned with timeliness of response to changes in the schedule, while Cuccia is concerned with operating during idle periods.

The objectives of the two systems are diametrically opposed. Unlike the present system, neither Alexander nor Cuccia contemplates a system that enables users to manage broadcast service lists in a television receiver by "triggering a consistency check between said at least one customized list of services and the update of the list" in which "said triggering step" is chosen by an application "when the application detects that the service selected by a user in one of said stored customized lists is not available" as recited in claim 1. The opposing objectives of Alexander and Cuccia make them incompatible, and there thus would be no reason or motivation to combine them.

Applicants further submit that the combination of Cuccia with Alexander does not disclose the present invention. Specifically, the combination, like the individual systems, fails to disclose or suggest a method which includes "triggering a consistency check" that comprises "verifying the presence of a service contained in the stored customized list with the received updated list" as recited in claim 1. The combination of Alexander and Cuccia also neither discloses nor suggests a method in which a consistency check is triggered "when the application detects that the service selected by a user in one of said stored customized lists is not available" as recited in claim 1. The combination provides a system in which information from a plurality of sources is combined to synthesize a list of available services, such list being generated when the television receiver is in an idle or power off state. The combination further provides the creation of an Automatic Record List and a Watch List. The Automatic Record List and Watch List are updated automatically every time that update information is received from one of the plurality of sources of available services, since timely update is required for correct operation of the lists. However, timely update is precluded by Cuccia declining to update the comprehensive master list until the system is in idle mode. The combination does not produce a workable system.

Moreover, the combination of Alexander and Cuccia, like the individual systems, completely fails to disclose or suggest the step of "triggering a consistency check between said at least one customized list of services and the update of the list of said at least one service available to the receiver" where the consistency check comprises "verifying the presence of a service contained in the stored customized list with the received updated list" as recited in claim 1. Cuccia triggers only the generation of a new list, not any consistency check, and Alexander provides no triggering at all, but only systematic, automatic updating of its stored special-purpose customized lists. The Office Action asserts that the combined teachings of the references would have suggested to those of ordinary skill in the art each of the features of claim 1. Applicants respectfully submit that nowhere in the combination of Alexander and Cuccia is there disclosure or suggestion of any management of lists by "triggering a consistency check" as recited in claim 1. Since neither Alexander nor Cuccia individually discloses or suggests either "triggering a consistency check between said at least one customized list of services and the update of the list of said at least one service available to the receiver" or "triggering said

consistency check when the application detects that the service selected by a user in at least one of the stored customized lists is not available" as recited in claim 1, their combination cannot suggest the step of "triggering a consistency check." Thus, combining Alexander and Cuccia is not obvious, and, even if such a combination is made, it does not disclose or suggest the features of claim 1.

In view of the above remarks and amendments to the claims, it is respectfully submitted that the rejection of claim 1 has been satisfied, and withdrawal of the rejection is respectfully requested.

Claims 4 and 5 are dependent on claim 1, and are considered patentable for the reasons presented above with regard to claim 1.

Amended independent claim 6 provides a receiver for a digital television system that includes a central unit and a reception unit for receiving and storing broadcast services and at least one services list of at least one service available to the user. A memory that contains a program and a memory for storing at least one customized list of services are provided. The device checks the consistency between the customized list of services and the list of available services, wherein the consistency check verifies that the service in the stored customized list appears in the list of available services. A memory stores an application adapted to trigger the consistency check at a time chosen so as not to disrupt receiver use and also to trigger the consistency check when the service selected by a user in a customized list is not available.

Claim 6 is an independent claim directed to an apparatus, having features similar to those of claim 1. Claim 6 is considered patentable for the same reasons as claim 1 discussed above. Claim 6 is further considered patentable for the reasons presented below.

Claim 6 provides a receiver for a digital television system that includes "a memory storing an application adapted to trigger the consistency check by said checking means, wherein the checking of the consistency is triggered by said application at a time chosen so as not to disrupt receiver use by said checking, said consistency check being triggered when the application detects that the service selected by a user in a customized list is not available."

Neither Alexander nor Cuccia, separately or in combination, discloses or suggests a consistency check being triggered "when the application detects that the service selected by a user in one of said stored customized lists is not available" as recited in claim 6.

Alexander describes a comprehensive EPG displayed to the user for his selection and control of the television. The only customized lists in Alexander are the Automatic Record List and the Watch List, neither of which enables selection of a service "by a user in one of said stored customized lists" as disclosed in the present system. The Office Action concedes that Alexander neither discloses nor suggests triggering a consistency check "so as not to disrupt the receiver use" as recited in claim 6 (Office Action page 3 lines 6 – 7). Similarly, Alexander fails to disclose or suggest an application triggering a consistency check "when the application detects that the service selected by a user in one of said stored customized lists is not available" as further recited in claim 6.

Cuccia describes only generating a comprehensive list of services available to the user. Cuccia nowhere discloses or suggests maintaining or updating a customized list for any purpose. While Cuccia describes appropriate scheduling of the generation of a list "so as not to disrupt the receiver use," Cuccia (with Alexander) nowhere contemplates an application triggering a consistency check "when the application detects that the service selected by a user in one of said stored customized lists is not available" as recited in claim 6. Thus, neither Cuccia nor Alexander, separately or in combination, disclose or suggest triggering a consistency check "when the application detects that the service selected by a user in one of said stored customized lists is not available" as recited in claim 6.

Also, as presented above with regard to claim 1, there is no reason or motivation to combine Cuccia with Alexander. The two systems have opposite and antithetical objectives. Importing the teachings of Cuccia into Alexander defeats the purpose of Alexander. Thus, it would not be obvious to combine these references. Alexander describes automatic updating of the Automatic Record List immediately upon reception of new data, for the purpose of ensuring that scheduled recording is accurately performed after last-minute schedule changes. Cuccia describes deliberately delaying generation of a comprehensive program guide until the system is idle or turned off. Combining Alexander with Cuccia provides a system that generates a

comprehensive list only when the system was idle, but automatically updates an Automatic Record List without having generated the program list. Such a system does not advantageously enable management of "broadcast service lists in a television receiver," and it fails to disclose or suggest "triggering a consistency check between said at least one customized list of services and the update of the list . . . wherein said triggering step is chosen by an application" and "triggering said consistency check when the application detects that the service selected by a user in one of said stored customized lists is not available" as recited in claim 6. Consequently, Alexander and Cuccia, separately or in combination, do not make the claimed invention unpatentable. In view of the above remarks and amendments, it is respectfully submitted that the rejection of claim 6 is satisfied, and withdrawal of the rejection of claim 6 is respectfully requested.

Claim 7 is dependent on claim 6, and is considered allowable at least for the reasons presented above with regard to claim 6. Claim 7 is further considered patentable because it provides that the receiver further comprises means to allow the user to select a service of the customized list and means for updating the customized list. The updating of the customized list is triggered if the selected service is not in the updated list. Neither Alexander nor Cuccia, separately or in combination, disclose or suggest "means for updating the customized list which is triggered if the selected service is not in the updated list" as recited in claim 7. Cuccia describes creating a list at the television receiver, but only when the television is turned off. The only management of a list contemplated by Cuccia is the regeneration of the list at least once a day (Cuccia col. 4 lines 36 – 37). Alexander only describes managing of an Automatic Record List, and the list is only managed automatically on receipt of an update, without any triggering control by an application over the update process. Nowhere in Alexander or Cuccia, alone or in combination, is there disclosure or suggestion of "means for updating the customized list which is triggered if the selected service is not in the updated list" as recited in claim 7. Consequently, it is respectfully requested that the rejection of claim 7 be withdrawn.

Having fully addressed Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, the rejection of claims 1 and 4 – 7 over Alexander in view of Cuccia has been satisfied and should be withdrawn.

Rejection of Claims 2, 3, and 8 – 10 under 35 U.S.C. 103(a)

Claims 2, 3, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al (US6,177,931) in view of Cuccia (US 6,337,719) and Herz (US5,758,257).

Dependent claim 2 provides a method according to claim 1 wherein, when a service contained in the stored customized list is not in the updated list, the method includes deleting the service from the stored customized list.

Herz describes a system for scheduling the receipt of desired movies and other data from a network which simultaneously distributes many sources of such data to many customers (Herz Abstract). The system and method described by Herz are essentially for the provision of aggregated "video on demand," and most of the processing in Herz does not occur at the television receiver. User preference profiles are developed in each receiver that subscribes to the service for characterizing the preferences of that user. The profiles are then sent back to a central processor at the "head end." From these profiles, an "agreement matrix" is automatically calculated by comparing the profiles to profiles of the available video programs, movies, or other data. The agreement matrix allows the selection and scheduling of broadcast programs from available services according to the preferences of groups of users, producing a "virtual channel" which will provide the greatest satisfaction to each customer. As part of the process of generating a schedule, Herz describes removing presumably satisfied users or already scheduled programs from the in-progress computation of an optimum program schedule. Feedback paths allow informing the program senders of users' preferences, and in response the program senders broadcast programs in accordance with the customer's objective profiles. Although these "virtual channels" might arguably be considered customized lists, they are not managed on "a television receiver" as recited in claim 1. They may even be created on a centralized computer at the head end that manages the creation and provision of virtual channels for a number of subscribers, or they may be created for a single set of users on the television receiver for that set of users.

Unlike the present system, Herz nowhere addresses the task of managing the lists it creates. Like Cuccia, Herz only contemplates the generation of lists from the available services

and the user preference profiles. Herz describes managing user profile information, but those profiles are not presented or stored as customized lists of services.

Claim 2 is dependent on claim 1 and the arguments presented above with regard to claim 1 concerning Alexander and Cuccia also apply to claim 2. Alexander describes only a method of automatically updating the Automatic Record List when a scheduled program runs over its time, as soon as update information is received (Alexander col. 12 lines 1 – 9). Cuccia describes a method of generating a comprehensive program guide from multiple sources of information during system idle time (Cuccia col. 4 lines 36 – 37). Neither Cuccia nor Alexander, separately or in combination, discloses or suggests a method that includes "triggering said consistency check when the application detects that the service selected by a user in one of said stored customized lists is not available" as recited in claim 1.

Similarly, Herz fails to disclose or suggest a method that includes "triggering said consistency check when the application [in said receiver] detects that the service selected by a user in a customized list is not available" as recited in claim 1. As presented above, the features of Herz cannot be equated to the features claimed in the present system. Herz is completely silent about "triggering a consistency check between said at least one customized list of services and the update of the list of said at least one service available to the receiver" as recited in claim 1. Herz describes updating only of user profiles based on actual viewing habits, and those profiles are not lists of services. They are instead lists of weights or preferences of various characteristics of programs. Herz also includes a section labeled "Scheduling Variations," but that section merely describes accommodating scheduled programs from a broadcaster into the generation of a virtual channel, not the update or modification of a customized list to accommodate deletions or changes in the available services.

The claimed system, in contrast, provides for management of lists "in a television receiver," by "triggering a consistency check between said . . . customized list of services and the update of the list of . . . service available to the receiver" where "said triggering step is chosen by an application in said receiver" as recited in claim 1. The consistency check comprises verifying that the customized list is consistent with the updated broadcast list, i.e. that the listed services are available, with regard to the received updated list of services.

In Herz, the problem of updating the availability of a service does not arise, because the filtering of the preferred list to create the virtual channel is carried out from the received broadcast list of available services before the list is made available to users. Unlike the present claimed invention, Herz does not address managing an existing customized list, but, like Cuccia, describes only the generation of a list, in Herz's case by applying the agreement matrix as a filter to produce the greatest customer satisfaction for an aggregate set of customers. Nowhere does Herz (with Alexander and Cuccia) disclose or suggest managing such a list by triggering a consistency check "verifying the presence of a service contained in the stored customized list with the received updated list" as recited in claim 1. No coherency check is disclosed or suggested by Herz, nor is there any manner contemplated for triggering such a coherency check. The Applicants note that the earlier Office Action dated February 23, 2007 conceded that "Herz . . . fails to explicitly teach performing the adjustment or modification of the listing, as not to disrupt the receiver use" (Office Action of 02/23/2007 page 3 – para. 4). Similarly, Herz (with Alexander and Cuccia) does not teach nor suggest the feature: "the consistency check is triggered when the application detects that the service selected by a user in a customized list is not available" as recited in claim 1.

While the Office Action cites Herz as "verifying the presence of a service in the at least one stored list which is not in the updated list," Herz does not describe those functions (Office Action of 02/08/2008 page 8 lines 4 – 8). Herz describes a scheduling algorithm performed to determine programming based on user preferences. The cited passages describe generating an agreement matrix to determine the most popular programs for a customer and then, as those programs are added to the schedule list, removing them from the original list of available programs so that they will not be repeatedly selected. The process described in Herz is in no way equivalent to a "consistency check comprising verifying the presence of a service contained in the stored customized list with the received updated list" as recited in claim 1. Those passages, and the remainder of Herz, like Alexander and Cuccia, neither disclose nor suggest triggering or performing a consistency check as claim 1 provides. Herz (with Alexander and Cuccia) nowhere discloses responding to updates of the list of available services by "triggering a consistency check between said . . . customized list of services and the update" as recited in claim 1.

In view of the remarks presented above, it is respectfully submitted that claim 2 is patentable over Alexander with Cuccia and Herz. Neither Alexander, nor Cuccia, nor Herz contemplates the stopping or moving of a service that would result in the service disappearing from the updated list made available to the receiver, or the concomitant requirement of updating a customized list stored on the receiver. Neither Alexander, nor Cuccia, nor Herz, separately or in combination, discloses or suggests "deleting said service from the stored customized list" as recited in claim 2. Moreover, unlike the present claimed system, Herz, like Cuccia, describes only the process of generating a list, not the process of updating or maintaining a stored customized list. Thus, Herz (with Alexander and Cuccia) fails to disclose or suggest performing any action or function "when the service contained within the stored customized list is not in the updated list" as recited in claim 2, because Herz is not making a check between an updated list and a stored customized list.

Further, there is no reason or motivation for a person skilled in the art to combine the teachings of Alexander, Cuccia, and Herz. As presented above with regard to claim 1, the combination of Alexander with Cuccia produces an inoperable system. The addition of Herz to the combination does nothing to mitigate that inoperability, because Herz nowhere contemplates updating of its lists of services. Alexander describes updating an Automatic Record List to enable timely recording of user-selected programs. Rapid responsiveness to a change in program scheduling is key to the list management described in Alexander. Alexander is not concerned with providing the user a subset of available programs from which to make selections. Cuccia makes a comprehensive set of programs available for user selection by synthesizing a Program Guide from a plurality of sources, but does no updating of any list, periodically generating its list anew from the plurality of sources supplying broadcast information when the system is idle. Avoiding activity when the receiver is in use is a paramount concern. Herz attempts to anticipate user preferences by mining previously observed viewing preferences, and generates program schedules or "virtual channels" for a user or set of users. Herz nowhere addresses or considers either the issue of consumption of processor resources at the television receiver, or the issue of responding to scheduling changes from the service providers. The objective of Herz is to make selections for users, not to enable users to make selections as Cuccia describes or to satisfy users'

selections in the face of schedule changes as Alexander describes. None of the teachings of Herz apply to the necessity for or frequency of updating a customized list.

Specifically, the combination of Herz with Alexander and Cuccia neither discloses nor suggests a system which detects "when the service contained within the stored customized list is not in the updated list" as recited in claim 2. Combining the three systems produces a system in which entries on the Automatic Record List are not updated until the system is idle and are updated by removing the entry once the recording has been accomplished a counted number of times. None of the described systems includes checking whether "the service contained within the stored customized list is not in the updated list" of available services provided to the receiver, as recited in claim 2, and the combination thus cannot include that feature. None of these systems addresses or considers a user with a customized list of programs "when the application detects that the service selected by the user in a customized list is not available" as recited in claim 1. Consequently, it is respectfully submitted that claim 2 is patentable under 35 U.S.C. §103, and withdrawal of its rejection is respectfully requested.

Claim 3 is dependent on claim 2 and is considered patentable for the reasons presented above with regard to claim 2. Claim 3 also provides that the deletion of a service from the stored customized list is carried out after a predetermined number of checks reveal the absence of the service in the update list. The Office Action states that Herz "discloses verifying the presence of a service in the at least one stored list which is not in the updated list using a counter to count the number of times when a service in the customized list is not in the update list" (Office Action of 02/08/2008 page 8 line 21 – page 9 line 6). Applicants respectfully disagree. The counters described in Herz are used to generate a program schedule that will accommodate repeat programs, so that a given program is not deleted from the list of available programs from which selections are made to add to the program schedule until that program has been scheduled for a number of times greater than one. The counters in Herz count the number of times a program is used by the scheduling algorithm, not the number of times it is absent from the updated list. The process described in Herz is in no way equivalent to "the deletion of a service from the stored customized list . . . after a predetermined number of checks reveal the absence of the service in the update list" as recited in claim 3. Thus neither Herz, nor Alexander, nor Cuccia, separately or in combination, disclose or suggest "wherein the deletion of a service from the stored

customized list is carried out after a predetermined number of checks reveal the absence of the service in the update list" as recited in claim 3. In view of the above remarks, withdrawal of the rejection of claim 3 is respectfully requested.

Claim 8 provides a receiver further including a counter which counts the number of times that a service in the customized list is not in the update list and an erasing means that deletes the service from the customized list, activated when the counter reaches a predetermined value.

Claim 8 is dependent on claim 7, and the reasons presented earlier with regard to claim 7 concerning Alexander and Cuccia are also applicable to claim 8. Neither Alexander, nor Cuccia, nor Herz, separately or in combination, describes or suggests using a counter that counts the number of times a service is not in the update list. The Office Action cites Herz as disclosing such a counter, but Applicants respectfully disagree. As presented above with regard to claim 3, Herz in the cited passage and elsewhere describes the use of counters only for determining the preferences of user subscribers, not for determining whether a formerly available service is persistently currently unavailable. The counters in Herz determine when a customer's preferences are sufficiently satisfied by an appropriate number of offerings of interest to that customer. Nowhere in the cited lines or elsewhere does Herz describe the use of counters to determine that a given service is repeatedly unavailable in the updated list received from a provider (Herz col. 22 line 39 – col. 23 line 18). Cuccia and Alexander are similarly completely silent on the use of "a counter which counts the number of times when a service in the customized list is not in the update list" as recited in claim 8, to determine that a service is persistently unavailable from the provider. Consequently, it is respectfully submitted that the rejection of claim 8 is satisfied and should be withdrawn.

Claim 10 is dependent on claim 8 and further provides that the counter counts at least two times before deleting the missing service from the customized list. Requiring repetition of the absence of a service from the update list minimizes the effect of transient errors in the broadcast service list received. Claim 10 is considered patentable for the reasons presented above with regard to claims 7 and 8. Applicants respectfully request withdrawal of the rejection of claim 10.

Claim 9 is dependent on claim 3 and is considered patentable for the reasons presented above with regard to claims 1 – 4. Applicants respectfully request withdrawal of the rejection of claim 9.

Having fully addressed Examiner's rejections, it is respectfully submitted that, in view of the preceding amendments and remarks, the rejection of claims 2, 3, and 8 – 10 over Alexander in view of Cuccia and Herz has been satisfied and should be withdrawn.

Conclusion

In view of the foregoing presentation and amendments, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

Please charge the fees for the specified extension of time and the Request for Continued Examination to Deposit Account No. 07-0832. If any other fees are owed in connection with this action, please charge them to the same account.

Respectfully submitted,
Laurent Chatelier et al.
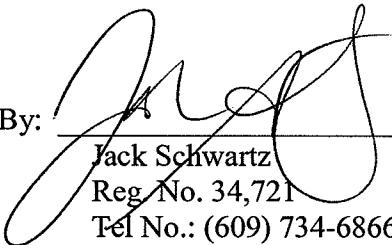
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